

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**EDDIE J. HAYNES,**  
**Plaintiff,**

**v.**

**CITY OF MONTGOMERY,**  
**ALABAMA**  
**Defendant.**

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**CASE NO. 2:06cv1093-WKW**

**DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS**

Defendant, City of Montgomery, respectfully submits the following voir dire questions to be asked by the Court and/or the attorneys of the venire.

1. Do you know the Plaintiff, Eddie J. Haynes of Montgomery County? If so,
  - a. How do you know him?
  - b. Would your acquaintance with him influence you in any way?

2. Defendant may call as witnesses: Former Fire Chief John McKee, Fire Chief Miford Jordan, Dr. Michael Turner, Mayor Bobby Bright, Barbara Montoya, John Carnell, J. J. Addie, C.E. Walker, M.F. Smith, D. Yelder, B. S. Hackett, M.H. Stoudenimier or R.L. Johnson.

Do you know any of these persons or any members of their family?

- a. If you know them, how do you know them?
- b. Would your acquaintance with them influence you in any way?

4. Plaintiff may call any of the following witnesses: Edie Haynes, Betty J. Haynes, Jerome Wiley, Ann Cottrell, Willie D. Lewis, Eddie Dunning, Dr. Michael Turner, Dr. Clemmie Palmer, L. M. Hartwell, Mary House Kessler, Ricky Johnson, Kyle Miner, Tim Heath, Ashley

Payton, Joseph Addie, Mark Williams, Darrow Thomas, Barry Nummy, Jimmy L. Williams, Mark Hall, Anthony D. Tolliver, and W.S. Biggs.

Do you know any of these persons or any members of their family?

- a. If you know them, how do you know them?
- b. Would your acquaintance with them influence you in any way?

5. Have you or any member or your family or close friends ever had what you would consider a negative experience with the City of Montgomery Fire Department or officials of the Fire Department?

- a. If so, please describe that experience.
- b. If you recall, identify the official involved.

6. Have you or any member or your family or close friends had what you would consider a negative experience or sued the City of Montgomery or its representatives or employees?

- a. If so, please describe that experience.
- b. If you recall, identify the representatives or employees involved.

7. Gerald L. Miller and Keith E. Brashier are representing the Plaintiff Eddie Haynes in this case. They are the members of the law firm of Redden, Mills & Clark, LLP from Birmingham, Alabama. The members of the firm are William H. Mills, William N. Clark, Gerald L. Miller, Stephen W. Shaw and Keith E. Brashier. Have you ever employed any of these attorneys or that law firm or consulted with them/it about a legal matter?

- a. What was the nature of that employment or consultation?
- b. Would the fact of that employment or consultation influence your decision in this case?

- c. Do you know any person who works for the firm Redden, Mills & Clark?
- d. Who do you know and how do you know them?
- e. Would your knowing them influence your decision in this case?

8. Have you heard or read anything about the facts of this case which involves claims by Mr. Haynes that the City of Montgomery violated the Americans with Disabilities Act and discriminated against him? If so,

- a. What do you recall reading or hearing?
- b. Would your having read or heard about these events influence your decision in this case?

10. Is any member of the jury venire or any member of their immediate family presently or in the past been employed in a job where they felt that they were discriminated against by their employer because of a disability?

- a. Please describe the circumstances which you were involved.

12. Has any member of the jury venire or any member of their immediate family ever in the past or present been involved through employment or volunteer services in any firefighting unit or unit of the fire department as a firefighter?

- a. What was the nature of your employment?

13. Does any member of the jury venire believe that it is unfair for an employer to refuse to treat one employee more favorably than other employees in that same position?

14. Does any member of the jury venire presently supervise personnel at the place he or she works?

15. Does any member of the jury venire (or to his or her knowledge any member of their immediate family) feel they have ever been discriminated against in regard to any terms or conditions of their employment?

a. If you could, explain what discrimination you/they felt occurred.

16. Is there any member of the jury venire or any member of their immediate family who has been accused of discriminating against another person or group at the place where he or she works?

a. Could you briefly describe what it was about?

17. Is there any member of the jury venire who feels or believes he or she has been a victim of discrimination at the place he or she works?

a. Could you briefly describe what that was about?

18. Is there any member of the jury venire who feels or believes that he or she has witnessed an act of discrimination in the job setting?

a. Could you briefly describe what that was about?

19. Have you or any member of your immediate family ever been employed in a job where it was your job to hire, fire or promote individuals?

a. If so, what was your/their position?

b. Who was the employer and what type of business was it involved in?

20. Have you or any member or your immediate family ever been employed where it was your job to enforce certain job requirements or qualifications of the job?

a. If so, what type job requirements were you required to enforce?

b. Who was the employer and what type business was it involved in?

21. Does any member of the jury venire have any special training and knowledge in the area of employment law, business management or personnel management and if so, please state

- a. The nature of such knowledge or training and any employment you have had related to such.

22. Is there any member of the jury venire who has any special training or knowledge or have you been employed in a job that you had physical and/or medical requirements or regulations that you had to maintain? If so, were the requirements set out by the employer, or other governmental or business regulations or requirements?

- a. What was the nature of physical and/or medical requirements?
- b. What was the employment you had related to such?

23. Is there any member of the jury venire who has any special knowledge concerning lawsuits involving claims of discrimination based on a violation of the Americans with Disabilities Act?

- a. If so, please explain the nature of your knowledge or involvement?

24. Do you know anyone related or previously related to Eddie J. Haynes or Betty Haynes?

25. Has any member of the jury venire (or to his or her knowledge any member of their immediate family) ever known anyone that experienced a house or building fire?

26. Does any member of the jury venire have any special training and knowledge in the area of fire suppression, and if so, please state

- a. the nature of such knowledge or training and any employment you have had related to such.

27. These questions that you have been asked, have they triggered within your mind anything you would want to volunteer or anything that you think would be important for the lawyers for the parties in this lawsuit to know about?

Submitted this 10<sup>th</sup> day of March, 2008.

/s/Kimberly O. Fehl.  
Kimberly O. Fehl (FEH001)  
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**CERTIFICATE OF SERVICE**

I hereby certify that foregoing has been served upon the following by electronic filing and notification through CM/ECF with United States District Court Middle District of Alabama on this 10<sup>th</sup> day of March, 2008:

Gerald L. Miller, Esq.  
Keith Brashier, Esq.  
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/s/Kimberly O. Fehl.  
Of Counsel